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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,209	09/04/2003	Cedric Con-Carolis	8146-90519	7004
24628	7590	11/22/2005	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			WANG, QUAN ZHEN	
			ART UNIT	PAPER NUMBER
			2633	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/655,209

Applicant(s)

CON-CAROLIS ET AL.

Examiner

Quan-Zhen Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Applicants claim that the instant application is a CON of PCT/CA02/00301 filed on 3/6/2002, which claims the foreign priority of CA 2,339,902 filed on 3/7/2001.

However, certified copies of the above documents have not been received for record.

Applicants are requested to provide the related certified documents in order to claim for the foreign priority date.

Drawings

2. The drawings were received on 9/23/2005. These drawings are accepted.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Boroditsky et al. (U.S. Patent Application Publication US 2002/0071153 A1).

Regarding claim 1, Boroditsky teaches an optical communication system (fig. 3) having switch nodes (fig. 3, nodes 205-1, 205-2, ..., 205-4) and add/drop nodes (fig. 3, node 205-l), characterized in that data packets are switched and propagate through the system as optical bursts (stream) transmitted in waveslots having individual

wavelengths of fixed duration and fixed positions (fig. 22) in repetitive frames (packets; paragraph 0055), whereby individual wavelengths in a particular time slot can be switched to different destinations (paragraphs 0081-0084).

Regarding claim 2, Boroditsky further teaches that the optical bursts have different predetermined combinations of wavelengths (fig. 22).

Regarding claim 3, it is inherent that the data packets transmitted as optical bursts have rates lower than that of transmission rates between nodes.

Regarding claims 4-6, Boroditsky further teaches that the switch nodes are photonic and route a repetitive frame in its entirety between input and output ports of a switch node (paragraphs 0055 and 0056).

Regarding claim 7, Boroditsky further teaches that no two waveslots on a single transmission medium have optical bursts identical in wavelengths and timeslots (paragraph 0055).

Regarding claim 8, Boroditsky further teaches that a plurality of transmission media (fig. 3, transmission media between two adjacent nodes, for example, 205-2 and 205-3; 205-3 and 205-4) carry a plurality of waveslots having identical wavelengths and timeslots propagating on separate transmission media (paragraphs 0055-0056).

Response to Arguments

2. Applicant's arguments filed on 9/23/2005 have been fully considered but they are not persuasive.

As it is acknowledged by the applicants that Boroditsky discloses a method that combines packet switched and WDM schemes in a two dimensional multiplexed

scheme. However, each **waveslot** of the multiplexed packet switched data packet in the wavelength domain still has an individual wavelength. The system of Boroditsky is able to drop a set of data packets with different wavelengths but in the same time slot at a particular node at the same time. The system of Boroditsky is also able to drop a data packet of a particular wavelength at any node by configure a node to enable "pass through" the packets not to be dropped at the node (see figs. 22-25 and paragraph 0081-0084). Therefore, Boroditsky still reads the claimed invention.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hui Zang et al., ("Photonic slot routing in all-optical WDM mesh networks", 1999, GLOBECOM'99 Volume 2, pages 1449-1453) disclose a method of photonic slot routing in all-optical WDM mesh networks.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quan-Zhen Wang whose telephone number is (571) 272-3114. The examiner can normally be reached on 9:00 AM - 5:00 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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4/13/05
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M. R. SEDIGHIAN
PRIMARY EXAMINER